REMARKS

In the Office Action of September 11, 2003, the Examiner has rejected claims 1-4 under 35 USC §112, second paragraph, as being indefinite. Claims 1-5, 7-12 and 14-18 are rejected under 35 USC §102(b) as being anticipated by Walker. Claims 6, 13 and 19 are rejected under 35 USC §103(a) as being unpatentable over Walker. The Office Action of September 11, 2003, has been carefully considered and by this response, entry of which is respectfully requested, claims 1-19 remain in the application. Claim 1 has been amended. The amendments do not add new matter.

In the Office Action, the Examiner has rejected claims 1-4 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A claim, in order to pass muster under 35 USC §112, second paragraph, need only be clear to one skilled in the art, when read in light of the specification, so as to permit one skilled in the art to define the metes and bounds of the invention. In re Goffe, 188 USPQ 131, 135 (CCPA 1975). Therefore, §112, second paragraph, only requires applicant to set forth with sufficient particularity the invention so as to permit one skilled in the art to define the metes and bounds of the invention.

Independent claim 1 has been amended to overcome the Examiners rejection under §112, second paragraph, to more particularly point out and distinctly claim the subject matter which applicants regard as their invention, specifically, by deleting reference to a "repair", which lacked antecedent basis. Claims 2-4 depend from claim 1, which now provides proper antecedent basis for all terms, making claims 2-4 definite. Based on the amendment to claim 1, and the remarks herein, applicants submit that claims 1-4 are in compliance with the second paragraph of §112.

In the Office Action, the Examiner has rejected claims 1-5, 7-12 and 14-18 under 35 USC §102(b) as being anticipated by Walker. In addition, claims 6, 13, and 19 are rejected under 35 USC §103(a) as being unpatentable over Walker. Applicant's attorney

respectfully traverses the 35 USC §102 and §103 rejections set forth herein for the reason that Applicant's invention, as disclosed in independent claims 1, 5 and 14, is not anticipated by the prior art.

The test for determining if a cited document anticipates a claim, for purposes of a rejection under 35 USC 102, is whether the cited document discloses all of the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals of the Federal Circuit in Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 USC 102:

> "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Furthermore, it is noted in MPEP Section 706 that the standard of patentability to be followed in the examination of a patent application is that which was enunciated by the Supreme Court in Graham v. John Deere, 148 USPQ 459 (1966), where the Court stated:

> "Under Section 103, the scope and the content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved."

Hence, in a rejection under 35 USC 103(a), it is required that the subject matter sought to be patented and the prior art be such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (MPEP 2141). To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP 2143.03). Applicant respectfully submits that the cited art does not teach or suggest all of

the features in the pending independent claims.

The claimed invention is collecting general information for possible future use; whereas the Walker patent is distributing specific information required for a specific purpose. The purpose of the Walker invention is to distribute a specified work request, to see if any of the receiving sources will handle that specific work. With the subject application, there is not a specified work requirement; rather, the system is available to retain information for possible, future services. Therefore, the Walker patent specifically refers to particular qualifications and an end user seeking a solution to a specific request; whereas the subject application specifically refers to a collection of general information to address possible future services. The problem that is being solved by the subject application is not the problem that is addressed in the cited art, and it would not be obvious to look to the cited art to solve the problem of retaining a repository of information for access to future services. Therefore, it is respectfully suggested that the cited art cannot possibly anticipate or obviate the subject invention.

Claims 2-4, 6-13 and 15-19 depend from independent claims 1, 5 or 14, to contain all of the limitations found therein. Additionally, the dependent claims add further limitations which distinguish them patentably from the cited documents. It is submitted, therefore, that claims 1-19 are not anticipated, taught, or rendered obvious by the cited documents. Accordingly, withdrawal of the rejection of claims 1-19 under 35 USC §102(b) and §103(a) is respectfully requested.

Applicant's attorney has reviewed the additional document cited by but not relied upon by the Examiner. This document does not teach, anticipate, or render obvious, when taken singularly or in combination with the cited art, the invention of applicant disclosed in the subject application.

In view of the foregoing remarks, the undersigned attorney respectfully submits that all of the claims of the application are clearly allowable. Therefore, Applicant's attorney respectfully requests that the Examiner's rejections be withdrawn

and that a formal Notice of Allowance be issued thereon.

If it is believed that an interview would serve to facilitate prosecution of the present application, the Examiner is requested to contact the undersigned attorney. Should the Examiner have any questions with respect to any matter now of record, Applicants attorney may be reached at (937) 592-8603.

Respectfully submitted,

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